

2012-4-4

SECTION 4. (a) The department of insurance shall, not later than August 1, 2012, make available an application for a limited lines license required by IC 27-1-15.9, as added by this act.

(b) A vendor that sold, solicited, or negotiated portable electronics insurance on June 30, 2012, shall not sell, solicit, or negotiate portable electronics insurance after October 31, 2012, unless the vendor has, before November 1, 2012, obtained a limited lines license as required by IC 27-1-15.9, as added by this act.

(c) This SECTION expires January 1, 2014.

2012-5-2

(Expired 6-30-2013, by P.L.5-2012, SEC.2.)

2012-12-1

(Expired 12-31-2012, by P.L.12-2012, SEC.1)

2012-20-1

SECTION 1. (a) The following definitions apply to this SECTION:

(1) "Committee" refers to the hospital assessment fee committee established by this SECTION.

(2) "Fee" refers to the hospital assessment fee authorized by this SECTION.

(3) "Fee period" means the two (2) year state fiscal year period beginning July 1, 2011, and ending June 30, 2013.

(4) "Hospital" means an entity that meets the definition set forth in IC 16-18-2-179(b) and is licensed under IC 16-21-2. This term may include a private psychiatric hospital licensed under IC 12-25. The term does not include the following:

(A) A state mental health institution operated under IC 12-24-1-3.

(B) A hospital:

(i) designated by the Medicaid program as a long term care hospital;

(ii) that has an average inpatient length of stay that is greater than twenty-five (25) days, as determined by the office of Medicaid policy and planning under the Medicaid program;

(iii) that is a Medicare certified, freestanding rehabilitation hospital; or

(iv) that is a hospital operated by the federal government.

(5) "Office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) Subject to subsections (c) and (g), the office may charge a hospital assessment fee to hospitals under this SECTION during the fee period if the following conditions are met:

(1) The fee may be used only for the purposes described in subsections (h)(1), (k), (m), and (p).

(2) The Medicaid state plan amendments and waiver requests required for the implementation of this SECTION are submitted by the office to the United States Department of Health and Human Services before October 1, 2011.

(3) The United States Department of Health and Human Services approves the Medicaid state plan amendments and waiver requests, or revisions of the Medicaid state plan amendments and waiver requests, described in subdivision (2):

(A) not later than October 1, 2012; or

(B) after October 1, 2012, if the date is established by the committee. The committee may establish a date:

(i) at any time before July 1, 2013; and

(ii) an unlimited number of times before July 1, 2013.

(4) The funds generated from the fee do not revert to the general fund.

(c) The office shall stop collecting a fee, the programs described in subsection (f) shall be reconciled and terminated, and the operation of subsection (m) shall end if any of the following occur:

(1) An appellate court makes a final determination that either:

(A) the fee described in this SECTION; or

(B) any of the programs described in subsection (f); cannot be implemented or maintained.

(2) The United States Department of Health and Human Services makes a final determination that the Medicaid state plan amendments or waivers submitted under subsection (b) are not approved or cannot be validly implemented.

(3) The fee is not collected because of circumstances described in subsection (i).

(d) The office shall keep records of the fees collected by the office and report the amount of fees collected under this SECTION. The office may not assess a fee described in this SECTION to a hospital after the fee period.

(e) The hospital assessment fee committee is established. The committee consists of the following four (4) voting members:

(1) The secretary of family and social services established by IC 12-8-1-1 or the secretary's designee, who shall serve as the chair of the committee.

(2) The budget director or the budget director's designee.

(3) Two (2) members appointed by the governor from a list of at least four (4) individuals submitted by the Indiana hospital association.

The committee shall review any Medicaid state plan amendments, waiver requests, or any revisions to any Medicaid state plan amendments or waiver requests, to implement or continue the implementation of this SECTION for the purpose of establishing favorable review of the amendments, requests, and revisions by the United States Department of Health and Human Services. The committee shall meet at the call of the chair. The members shall serve without compensation. A quorum consists of at least three (3) members. An affirmative vote of at least three (3) members of the committee is necessary to approve Medicaid state plan amendments or waiver requests.

(f) Subject to subsection (g), the office shall develop the following programs designed to increase, to the extent allowable under federal law, Medicaid reimbursement for inpatient and outpatient hospital

services provided by a hospital during the fee period to Medicaid recipients:

(1) A program concerning reimbursement for the Medicaid fee-for-service program that, in the aggregate, will result in payments equivalent to the level of reimbursement that would be paid under federal Medicare payment principles.

(2) A program concerning reimbursement for the Medicaid risk based managed care program that, in the aggregate, will result in payments equivalent to the level of reimbursement that would be paid under federal Medicare payment principles.

(g) The office shall not submit to the United States Department of Health and Human Services any Medicaid state plan amendments, waiver requests, or any revisions to any Medicaid state plan amendments or waiver requests, to implement or continue the implementation of this SECTION until the committee has reviewed and approved the amendments, waivers, or revisions described in this subsection and submitted a written report to the state budget committee concerning the amendments, waivers, or revisions described in this subsection, including the following:

(1) The methodology to be used by the office in calculating the increased Medicaid reimbursement under the programs described in subsection (f).

(2) The methodology to be used by the office in calculating, imposing, collecting, or any other matter relating to the fee authorized by this SECTION.

(3) The determination of Medicaid disproportionate share allotments for the fee period under subsection (m) that are to be funded by the fee authorized by this SECTION, including the formula for distributing the Medicaid disproportionate share payments.

(4) The distribution to private psychiatric institutions under subsection (o).

(h) This subsection applies to the programs described in subsection (f). The state share dollars for the programs shall consist of the following:

(1) Fees paid under this SECTION.

(2) The hospital care for the indigent funds allocated under subsection (l).

(3) Other sources of state share dollars available to the office, excluding intergovernmental transfers of funds made by or on behalf of a hospital.

The money described in subdivisions (1) and (2) may be used only to fund the portion of the payments that are in excess to the Medicaid reimbursement rates in effect on June 30, 2011.

(i) This subsection applies to the programs described in subsection (f). If the state is unable to maintain the funding under subsection (h)(3) for the payments at Medicaid reimbursement levels in effect on June 30, 2011, because of budgetary constraints, the office shall reduce inpatient and outpatient hospital Medicaid reimbursement rates under subsection (f)(1) or (f)(2) or request from the committee and the United States Department of Health and Human Services to increase the fee to

prevent a decrease in Medicaid reimbursement for hospital services. If the:

- (1) committee:
 - (A) does not approve a reimbursement reduction; or
 - (B) does not approve an increase in the fee; or
- (2) the United States Department of Health and Human Services does not approve an increase in the fee;

the office shall cease to collect the fee and the programs described in subsection (f) shall end.

(j) Before August 1, 2011, the office, after review by the committee, shall submit to the budget committee established under IC 4-12-1-3 a written report that includes the following concerning the program described in subsection (f)(2):

- (1) A reasonable estimate of the Medicaid managed care organization payments for hospital services during the fee period that will be attributable to state share dollars resulting from the fee to be collected under this SECTION. The estimate may not include payments for services provided to:

- (A) adults enrolled in the Indiana check-up plan established by IC 12-15-44.2; or

- (B) individuals enrolled in Medicaid who would have been receiving services under the Medicaid fee-for-service program before changes to state or federal law or policies that occur after March 1, 2011.

- (2) The extent to which payments under the program will be limited by or otherwise affected by the Indiana "Special Terms and Conditions" Medicaid demonstration project (Number 11-W-00237/5), including any:

- (A) trend rate amount or percentage;

- (B) per member per month amount; or

- (C) other limitations established by this demonstration project.

- (3) Detailed explanations of any estimates, calculations, and conclusions included in the report.

(k) This subsection is effective upon implementation of the fee. The hospital Medicaid fee fund is established for the purpose of holding fees collected under this SECTION that are not necessary to match federal funds. The office shall administer the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, money remaining in the fund after June 30, 2012, shall be used for the payments described in subsections (f) and (m). Any money not required for the payments described in subsections (f) and (m) upon the expiration of this SECTION or at the cessation of collection of the fee under subsection (c) shall be distributed to the hospitals on a pro rata basis based upon the fees paid by each hospital.

(l) This subsection:

- (1) is effective upon implementation of the fee authorized by this SECTION; and

- (2) does not apply to funds under IC 12-16-17.

Notwithstanding any other law, the portion of the amounts appropriated for or transferred to the hospital care for the indigent program for the fee period that are not required to be paid to the office by law shall be

used exclusively as state share dollars for the payments described in subsections (f) and (m). Any hospital care for the indigent funds that are not required for the payments described in subsections (f) and (m) upon the expiration of this SECTION or the cessation of the collection of the fee shall be used for the state share dollars of the payments in IC 12-15-20-2(8)(G)(ii) through IC 12-15-20-2(8)(G)(x).

(m) This subsection:

(1) is effective upon the implementation of the fee authorized by this SECTION; and

(2) applies to the Medicaid disproportionate share payments for the fee period.

The state share dollars used to fund disproportionate share payments to acute care hospitals licensed under IC 16-21-2 that qualify as disproportionate share providers or municipal disproportionate share providers under IC 12-15-16-1(a) or IC 12-15-16-1(b) shall be paid with money collected by the fee under this SECTION and the hospital care for the indigent dollars described in subsection (l). Subject to subsection (n) and except as provided in subsection (n), the federal Medicaid disproportionate share allotments for the fee period shall be allocated in their entirety to acute care hospitals licensed under IC 16-21-2 that qualify as disproportionate share providers or municipal disproportionate share providers under IC 12-15-16-1(a) or IC 12-15-16-1(b). No portion of the federal disproportionate share allotments applicable for disproportionate share payments for the fee period shall be allocated to institutions for mental disease or other mental health facilities, as defined by applicable federal law.

(n) For purposes of this SECTION, the entire federal Medicaid disproportionate share allotment for Indiana during the fee period does not include the portion of allotments that are required to be diverted under the following:

(1) The federally-approved Indiana "Special Terms and Conditions" Medicaid demonstration project (Number 11-W-00237/5).

(2) Any extension past December 31, 2012, of the Indiana check-up plan Medicaid waiver established by IC 12-15-44.2.

The office shall inform the committee and the state budget committee concerning any extension of the Indiana check-up plan past December 31, 2012.

(o) Notwithstanding IC 12-15-16-6(c), for the fee period, the annual two million dollars (\$2,000,000) pool of disproportionate share dollars under IC 12-15-16-6(c) shall not be available to eligible private psychiatric institutions. The office shall annually distribute two million dollars (\$2,000,000) to eligible private psychiatric institutions that would have been eligible for payment under IC 12-15-16-6(c).

(p) The fees collected under this SECTION may be used only as described in this SECTION or to pay the state's share of the cost for Medicaid services provided under the federal Medicaid program (42 U.S.C. 1396 et seq.) as follows:

(1) Twenty-eight and five-tenths percent (28.5%) may be used by the office for Medicaid expenses.

(2) Seventy-one and five-tenths percent (71.5%) to hospitals.

(q) Nothing in this SECTION may be construed to authorize any county, municipality, district, authority to impose a fee, tax, or assessment on a hospital.

(r) Subject to subsection (g), the office shall adopt rules, including emergency rules under IC 4-22-2-37.1, necessary to implement this SECTION. Rules adopted under this subsection may be retroactive to the effective date of the Medicaid state plan amendments or waivers approved under this SECTION.

(s) The office may enter into an agreement with a hospital to pay the fee collected under this SECTION in installments.

(t) If a hospital fails to pay the fee established under this SECTION within ten (10) days of the payment date, the hospital shall pay to the office interest on the fee at the same rate as the rate determined under IC 12-15-21-3(6)(A).

(u) The office shall report to the state department of health each hospital that fails to pay the fee established under this SECTION within one hundred twenty (120) days of the date the payment is due. The state department shall do the following concerning a hospital described in this subsection:

(1) Notify the hospital that the hospital's license under IC 16-21 will be revoked if the fee is not paid.

(2) Revoke the hospital's license under IC 16-21 if the hospital fails to pay the fee.

IC 4-21.5-3-8 and IC 4-21.5-4 apply to this subdivision.

(v) Payments for the programs described in subsection (f) shall be limited to claims for dates of services provided during the fee period and that are timely filed with the office or a contractor of the office. Payments for the programs described in subsection (f) during the fee period and distributions to hospitals in accordance with this SECTION may occur after the expiration of this SECTION.

(w) This SECTION expires September 1, 2013. However, the office may not assess a hospital a fee described in this SECTION after June 30, 2013.

2012-28-26

(Expired 6-30-2013, by P.L.28-2012, SEC.26.)

2012-36-2

(Expired 12-31-2012, by P.L.36-2012, SEC.2.)

2012-37-60

(Expired 1-1-2013, by P.L.37-2012, SEC.60.)

2012-42-3

(Expired 12-31-2012, by P.L.42-2012, SEC.3.)

2012-48-76

SECTION 76. (a) As used in this SECTION, "committee" refers to the interim study committee on underserved youth with mental health issues, as established by subsection (b).

(b) There is established the interim study committee on underserved

youth with mental health issues. The committee shall study:

- (1) whether prosecuting attorneys should be allowed to file a petition alleging that a child is a child in need of services under IC 31-34-1-6; and
 - (2) the unmet mental health needs of children within the juvenile justice system, including children in need of services and delinquent children.
- (c) The committee shall operate under the policies governing study committees adopted by the legislative council.
- (d) The committee consists of the following members:
- (1) Four (4) senators appointed by the president pro tempore of the senate in consultation with the minority leader of the senate, not more than two (2) of whom may be members of the same political party.
 - (2) Four (4) representatives appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives, not more than two (2) of whom may be members of the same political party.
 - (3) The chairperson of the juvenile justice improvement committee.
 - (4) The president of the Indiana council of juvenile and family court judges.
 - (5) The director of the department of child services or the director's designee.
 - (6) The director of the division of mental health and addiction or the director's designee.
 - (7) The executive director of the prosecuting attorneys council or the executive director's designee.
 - (8) The executive director of the public defenders council or the executive director's designee.
 - (9) The state superintendent of public instruction or the state superintendent's designee.
 - (10) The commissioner of the department of correction or the commissioner's designee.
- (e) The affirmative votes of a majority of the members of the committee are required for the committee to take action on any measure, including final reports.
- (f) This SECTION expires December 31, 2013.

2012-48-77

(Repealed by P.L.118-2013, SEC.24.)

2012-63-94

(Expired 6-30-13, by P.L.63-2012, SEC.94.)

2012-63-95

SECTION 95. (a) The budget agency shall separately calculate the annual, projected growth in appropriated dollars for the:

- (1) twenty-first century scholars program (IC 21-12-6);
- (2) tuition and fee exemption for children of veterans program (IC 21-14-4);

(3) tuition and fee exemption for children and spouses of National Guard members program (IC 21-14-7); and

(4) tuition and fee exemption for Purple Heart recipients program (IC 21-14-10);

for each state fiscal year beginning July 1, 2013, through June 30, 2031, using the appropriated amount for each program for the state fiscal year beginning July 1, 2012, and report the annual, projected growth in appropriated dollars for each program to the budget committee before October 1, 2011.

(b) This SECTION expires October 1, 2013.

2012-69-7

(Expired 12-31-2012, by P.L.69-2012, SEC.7.)

2012-77-63

SECTION 63. (a) An individual certified as:

(1) an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5, before its repeal by this act); or

(2) an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7, before its repeal by this act);

on June 30, 2012, has two (2) years to comply with the new requirements for certification under IC 16-31-3, as amended by this act.

(b) This SECTION expires July 1, 2014.

2012-77-64

(Expired 12-31-2012, by P.L.77-2012, SEC.64.)

2012-81-43

SECTION 43. (a) Notwithstanding IC 27-1-23, as amended by this act, the filing of an enterprise risk report under IC 27-1-23, as amended by this act, is not required until the first date after June 30, 2013, on which the filing is required by the insurance commissioner.

(b) This SECTION expires January 1, 2015.

2012-81-44

SECTION 44. (a) IC 27-6-10, as amended by this act, applies to a cession, by a ceding insurer to an assuming insurer, that occurs:

(1) after June 30, 2012; and

(2) under a reinsurance agreement that has an inception, renewal, or anniversary date after December 31, 2012.

(b) This SECTION expires January 1, 2015.

2012-83-1

(Expired 12-31-2012, by P.L.83-2012, SEC.1.)

2012-86-2

(Expired 1-1-2013, by P.L.86-2012, SEC.2.)

2012-99-43

(Expired 6-30-2013, by P.L.99-2012, SEC.43.)

2012-104-1

(Expired 1-1-2013, by P.L.104-2012, SEC.1.)

2012-107-65

(Expired 7-2-2012, by P.L.107-2012, SEC.65.)

2012-107-66

SECTION 66. (a) The board for proprietary education established under IC 21-18.5-5-1, as added by this act, may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 22-4.1-21, as added by this act.

(b) Notwithstanding IC 4-22-2-37.1(g), a temporary rule adopted under this SECTION expires on the occurrence of the earlier of:

(1) the date the board for proprietary education adopts rules under IC 4-22-2; or

(2) July 1, 2013.

(c) This SECTION expires January 1, 2014.

2012-107-67

SECTION 67. (a) Notwithstanding the requirements set forth in IC 21-18.5-5, as added by this act, members serving as members of the Indiana commission on proprietary education on June 30, 2012, are considered members of the board for proprietary education established by IC 21-18.5-5-1, as added by this act, until the date the member's term would have expired under IC 21-17-2, before its repeal by this act.

(b) This SECTION expires July 1, 2017.

2012-107-68

(Expired 1-1-2013, by P.L.107-2012, SEC.68.)

2012-107-69

(Expired 12-31-2012, by P.L.107-2012, SEC.69.)

2012-109-17

SECTION 17. (a) Notwithstanding IC 4-3-22-18, as added by this act, before October 1, 2012, the office of management and budget, in consultation with the Indiana School for the Deaf, the department of education, the state department of health, and the office of the secretary of family and social services, shall submit a detailed transition plan to implement and administer the center for deaf and hard of hearing education established in IC 20-35-11, as added by this act, to the budget committee. The office of management and budget shall develop the transition plan in consultation with, but not limited to, the following:

(1) The chief executive officer of the Indiana School for the Deaf.

(2) The Parent Teacher Counselor Organization of the Indiana School for the Deaf.

(3) Parents of deaf or hard of hearing children who attend school in a regular classroom setting.

(4) A representative of the Indiana chapter of Hands and Voices.

(5) Hear Indiana.

- (6) The Indiana Association of the Deaf.
- (7) Oral deaf adults.
- (8) The first steps program established under IC 12-12.7-2.
- (9) The deaf and hard of hearing services (DHHS) program within the family and social services administration, division of disability and rehabilitative services.
- (10) The department of education.
- (11) The state department of health.
- (12) A representative of the St. Joseph Institute for the Deaf.
- (13) Public school administrators.
- (14) Audiologists.
- (15) The director of the outreach program of the Indiana School for the Deaf.

(b) Before the office of management and budget submits the transition plan under subsection (a), the office of management and budget shall conduct two (2) public meetings to receive public testimony. Of the public meetings required in this subsection, one (1) public meeting must take place in the northern half of Indiana and one (1) public meeting must take place in the southern half of Indiana, at a place designated by the office of management and budget.

(c) The transition plan developed under subsection (a) must include the following:

- (1) A detailed description of how the center for deaf and hard of hearing education, as established in IC 20-35-11-3, as added by this act, will implement and carry out the duties described in IC 20-35-11-4, as added by this act.
- (2) A description of the agency described in IC 4-3-22-18, as added by this act, that will provide office space and staff support for the center for deaf and hard of hearing education established under IC 20-35-11, as added by this act.
- (3) The estimated costs associated with the operation of the center for deaf and hard of hearing education established under IC 20-35-11, as added by this act.
- (4) A description of the fiscal impact on the Indiana School for the Deaf and the agency described in subdivision (2) resulting from the transfer of outreach and consultative service responsibilities.
- (5) Any other information the office of management and budget determines is necessary.

(d) The office of management and budget shall, on or before October 15, 2012, post the final transition plan on the office of management and budget's Internet web site.

(e) The budget committee shall consider the transition plan developed under subsection (a) in its preparation of the budget report and budget bill under IC 4-12-1-9 for the state fiscal years beginning on:

- (1) July 1, 2013; and
- (2) July 1, 2014.

(f) This SECTION expires December 31, 2013.

SECTION 18. (a) The state board of education shall, before October 1, 2012, make recommendations to the legislative council (in an electronic format under IC 5-14-6) and to the budget committee concerning the unique and appropriate methods of evaluation and accountability that should be applied to the Indiana School for the Blind and Visually Impaired and the Indiana School for the Deaf. The state board of education shall include in its recommendation any proposed statutory changes or rule changes that the state board believes to be appropriate.

(b) This SECTION expires July 1, 2013.

2012-110-1

SECTION 1. (a) The state department of health and the office of the secretary of family and social services shall:

- (1) study the current brain injury services offered in Indiana; and
- (2) determine:
 - (A) any deficiencies in the provision of brain injury services in Indiana; and
 - (B) how to implement additional brain injury services and neurobehavioral rehabilitation programs in Indiana.

(b) The study described in subsection (a) must include the following:

- (1) Development of a licensure category for neurobehavioral rehabilitation facilities and the criteria to be included for the license.
- (2) Assessment of whether incentives are needed to encourage the provision of brain injury services and neurobehavioral services in Indiana.
- (3) Determination of the adequate reimbursement under the Medicaid program for brain injury and neurobehavioral services.
- (4) Determination of whether funds from the Medicaid health facility closure and conversion fund could be used to assist qualified service providers in opening a neurobehavioral rehabilitation facility or to enhance reimbursement for brain injury or neurobehavioral services in Indiana.
- (5) Determination of whether existing Medicaid waivers should be amended to increase the number of individuals covered under the waivers or the services provided to individuals with traumatic brain injuries under the waivers, and the amendments that would be needed.

(c) Before October 1, 2012, the state department of health and the office of the secretary of family and social services shall report orally and in writing to the health finance commission established by IC 2-5-23-3 concerning the study conducted under this SECTION and any recommendations resulting from the study.

(d) The brain injury treatment advisory committee is established for the purpose of assisting the state department of health and the office of the secretary of family and social services with the study described in this SECTION. The committee consists of the following members:

- (1) The commissioner of the state department of health or the commissioner's designee, who is the chairperson of the

committee.

(2) The director of the office of Medicaid policy and planning, or the director's designee.

(3) The director of the division of aging, or the director's designee.

(4) The director of the rehabilitation services bureau within the office of the secretary of family and social services, or the director's designee.

(5) The following members appointed by the governor not later than May 1, 2012:

(A) One (1) member representing the Brain Injury Association of Indiana.

(B) Six (6) individuals representing any of the following:

(i) Brain injury service providers.

(ii) Residential care providers.

(iii) Health care providers who have knowledge concerning brain injuries.

(C) One (1) representative of the rate setting contractor used by the office of Medicaid policy and planning.

(D) One (1) consumer of brain injury services.

(E) One (1) psychologist licensed under IC 25-33-1 who specializes in the assessment and treatment of individuals with a brain injury.

(F) One (1) individual who is a caregiver of a consumer of brain injury services.

(G) One (1) representative of the Indiana Association of Area Agencies on Aging.

The state department of health shall staff the committee. The committee shall meet at least four (4) times at the call of the chairperson. The members of the committee are not entitled to per diem or reimbursement for expenses incurred in connection with the members' committee duties.

(e) This SECTION expires July 1, 2013.

2012-110-2

(Expired 12-31-2012, by P.L.110-2012, SEC.2.)

2012-114-151

(Expired 12-31-2012, by P.L.114-2012, SEC.151.)

2012-121-6

(Expired 12-31-2012, by P.L.121-2012, SEC.6.)

2012-123-1

(Expired 12-31-2012, by P.L.123-2012, SEC.1.)

2012-125-418

(Expired 12-31-2012, by P.L.125-2012, SEC.418.)

2012-126-65

(Expired 12-31-2012, by P.L.126-2012, SEC.65.)

2012-132-22

(Expired 1-1-2013, by P.L.132-2012, SEC.22.)

2012-132-23

(Expired 1-1-2013, by P.L.132-2012, SEC.23.)

2012-132-24

(Expired 1-1-2013, by P.L.132-2012, SEC.24.)

2012-133-196

(Expired 12-31-2012, by P.L.133-2012, SEC.196.)

2012-133-197

(Expired 6-30-2013, by P.L.133-2012, SEC.197.)

2012-133-198

SECTION 198. (a) Any member of the commission on the social status of black males under IC 12-13-12, before its repeal by this act, is a member of the commission on the social status of black males under IC 4-23-31, as added by this act.

(b) Any member of the Native American Indian affairs commission under IC 4-4-31.4, before its repeal by this act, is a member of the Native American Indian affairs commission under IC 4-23-32, as added by this act.

(c) This SECTION expires December 31, 2013.

2012-137-125

SECTION 125. (a) The executive of either of the following townships may, upon approval by the township fiscal body, submit a petition to the department of local government finance for an increase in the maximum permissible ad valorem property tax levy under IC 36-8-13 (for township fire protection and emergency services) for property taxes first due and payable in 2013:

(1) Barkley Township in Jasper County.

(2) Union Township in Jasper County.

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under IC 36-8-13 for a township that submits a petition under this SECTION by the lesser of:

(1) the amount of the increase requested in the petition; or

(2) the amount necessary to increase the township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013 to the amount of the township's maximum permissible ad valorem property tax levy under IC 36-8-13 that applied to taxes first due and payable in 2003.

(c) A township's maximum permissible ad valorem property tax levy under IC 36-8-13 for property taxes first due and payable in 2013, as adjusted under this SECTION, shall be used in the determination of the township's maximum permissible ad valorem property tax levy under

IC 36-8-13 for property taxes first due and payable in 2014 and thereafter.

(d) This SECTION expires January 1, 2015.

2012-137-126

SECTION 126. (a) IC 6-1.1-12-26.1, as added by this act, applies to property taxes first due and payable after 2012. A deduction statement filed before September 1, 2012, under IC 6-1.1-12-27.1, as amended by this act, is considered timely filed for purposes of obtaining the deduction under IC 6-1.1-12-26.1, as added by this act, in 2012 for property taxes first due and payable in 2013.

(b) This SECTION expires January 1, 2014.

2012-137-127

SECTION 127. (a) IC 6-2.3-4-7, as added by this act, applies to taxable years beginning after December 31, 2012.

(b) This SECTION expires January 1, 2015.

2012-137-128

SECTION 128. (a) This SECTION applies to a fire protection district:

- (1) that was initially established in 2011;
- (2) whose maximum levy and cumulative fund rate were first established and approved by the department of local government finance in 2011;
- (3) that properly and timely advertised its budget, rates, and levies in 2011 for the 2012 calendar year;
- (4) whose budget, rates, and levies were disallowed by the department of local government finance in 2012 due to confusion as to whether the county council that created the fire protection district held a public hearing on the budget, rates, and levies;
- (5) whose 2012 budget, rates, and levies were nonetheless timely considered in an open meeting of the county council, and were timely reviewed and approved by the county council; and
- (6) that may experience a significant revenue shortfall in 2012 and 2013, requiring the district to seek funds in addition to the amounts available to the district to provide essential fire protection to district residents.

(b) A fire protection district described in this section may borrow a specified amount of money if:

- (1) the board of fire trustees of the district finds that:
 - (A) an emergency exists requiring the expenditure of money not available to the fire district; and
 - (B) the emergency requiring the expenditure of money is related to paying the operating expenses and obligations of the district; and
- (2) the fiscal body of the county approves the expenditure of the money.

(c) A fire protection district shall comply with IC 36-8-11-17 with respect to a borrowing under this section.

(d) The county fiscal body shall levy property taxes in an amount

sufficient to cover payments due under the borrowing authorized under this section.

(e) This SECTION expires December 31, 2014.

2012-137-129

(Expired 1-1-2013, by P.L.137-2012, SEC.129.)

2012-137-130

SECTION 130. (a) During the 2012 and 2013 legislative interims, the commission on state tax and financing policy (IC 2-5-3) shall study all income tax credits using a schedule that provides for approximately half the credits to be studied each year and for the credits to be studied in the order they were enacted. The commission shall prepare a report that covers each credit and that includes the following:

- (1) A review of the original scope and purpose of the credit and whether the scope or purpose has changed since the credit's enactment.
- (2) The economic parameters of the credit, including the credit percentage and credit limits, and whether these parameters have changed since the credit's enactment.
- (3) A description of the taxpayers that qualify for the credit and how effective the credit has been in assisting these targeted taxpayers.
- (4) The type of activities on which the credit is based and how effective the credit has been in promoting these targeted activities.
- (5) The amount of the credits granted over time.
- (6) A determination of the dollar amount of credits granted but not taken that can be carried forward.
- (7) A summary of audit findings for each credit and whether there has been any misuse of the credit.
- (8) Suggested changes in the law with regard to each credit, including whether the credit should be retained or not.
- (9) Any other issues related to these income tax credits, as determined by the commission.

The commission on state tax and financing policy shall issue the report in two (2) parts, in an electronic format under IC 5-14-6, to the legislative council, not later than November 1, 2012, and November 1, 2013, respectively.

(b) This SECTION expires January 1, 2014.

2012-137-131

(Expired 12-31-2012, by P.L.137-2012, SEC.131.)

2012-137-132

(Expired 1-1-2013, by P.L.137-2012, SEC.132.)

2012-137-133

SECTION 133. (a) The administrative rule concerning proof by an individual that a residence is the individual's principal place of residence for purposes of the homestead standard deduction that is set

forth at 50 IAC 24-3-2 is void. The publisher of the Indiana Administrative Code shall remove 50 IAC 24-3-2 from the Indiana Administrative Code.

(b) This SECTION expires July 1, 2014.

2012-137-134

(Expired 12-31-2012, by P.L.137-2012, SEC.134.)

2012-138-6

(Expired 1-1-2013, by P.L.138-2012, SEC.6.)

2012-138-7

(Expired 1-1-2013, by P.L.138-2012, SEC.7.)

2012-138-8

(Expired 1-1-2013, by P.L.138-2012, SEC.8.)

2012-138-9

(Expired 1-1-2013, by P.L.138-2012, SEC.9.)

2012-142-1

(Expired 12-31-2012, by P.L.142-2012, SEC.1.)

2012-144-7

(Expired 1-1-2013, by P.L.144-2012, SEC.7.)

2012-144-8

SECTION 8. (a) The following definitions apply throughout this SECTION:

(1) "Maximum state distribution" has the meaning set forth in IC 20-43-1-18.

(2) "Special distribution" refers to the special distribution to school corporations and charter schools (other than a virtual charter schools) authorized for payment in calendar year 2012 from the amount appropriated by P.L.229-2011, SECTION 9 for distribution for tuition support.

(3) "State tuition support" has the meaning set forth in IC 20-43-1-25.

(b) This SECTION does not authorize the department of education to expend for a state fiscal year more than the distribution for tuition support appropriation in P.L.229-2011, SECTION 9 for that state fiscal year.

(c) For the purpose of state tuition support distributions to school corporations and charter schools in calendar year 2012, the allowable amount of the special distribution is excluded from the calculation of maximum state distribution in IC 20-43-2-3. Neither the amount of state tuition support payable in calendar year 2012 nor the amount of special distributions payable in calendar year 2012 to a school corporation or charter school shall be reduced under IC 20-43-2-3 solely because the sum of:

(1) state tuition support; and

(2) special distributions;
authorized by law for payment in calendar year 2012 exceed the amount specified in IC 20-43-2-2(2).

This SECTION expires July 1, 2013.

2012-144-9

SECTION 9. (a) Five million dollars (\$5,000,000) of the appropriation made by P.L.229-2011, SECTION 9 from the charter school facilities assistance fund for the purpose of total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is added to the appropriation made by P.L.229-2011, SECTION 9 from the state general fund for total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013. The amount added by this subsection to the appropriation for the distribution for tuition support:

- (1) reduces the appropriation for total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013; and
- (2) is reassigned to the purposes of the appropriation for distribution for tuition support, including the purposes specified by this SECTION.

(b) Notwithstanding IC 20-24-7.5-3, a new charter school startup grant payable to a charter school that is established and begins enrolling eligible pupils in calendar year 2012 shall be paid in six (6) installments with one (1) installment in each of the last six (6) months of calendar year 2012. For purposes of this distribution, the number two (2) shall be substituted for the number three (3) in IC 20-24-7.5-4(2).

(c) Notwithstanding IC 20-24-7.5-4, a new charter school startup grant paid under IC 20-24-7.5-4 in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be paid from the state general fund and not the charter school facilities assistance fund (IC 20-24-12-4). Notwithstanding any other law, the amount paid for new charter school startup grants in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is payable from the amount appropriated by P.L.229-2011, SECTION 9 for the total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, five million dollars (\$5,000,000) of the total of nine million dollars (\$9,000,000) required by P.L.229-2011, SECTION 9 to be transferred after June 30, 2012, and before July 1, 2013, from the common school fund interest balance to the charter school facilities assistance fund (IC 20-24-12-4) shall instead be transferred to the state general fund. The amount transferred from the common school fund interest balance to the state general fund under this subsection reduces the amount that must be transferred to the charter school facilities assistance fund (IC 20-24-12-4).

(e) This SECTION expires July 1, 2013.

2012-145-28

SECTION 28. (a) The distressed unit appeal board established by IC 6-1.1-20.3-4 shall report to the budget committee before each of the following dates concerning actions taken by the distressed unit appeal board under IC 5-1-5-2.5, as amended by this act:

- (1) October 1, 2012.
 - (2) March 1, 2013.
 - (3) October 1, 2013.
 - (4) February 1, 2014.
- (b) This SECTION expires June 30, 2014.

2012-146-8

SECTION 8. (a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.

(b) This SECTION applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2008 and 2009.

(c) This SECTION applies only to a taxpayer that is an Indiana nonprofit corporation that serves the homeless and to land and improvements that meet all of the following conditions:

- (1) The corporation leased land and improvements that served as a homeless shelter that met the physical, emotional, academic, and spiritual needs of children, teens, adults, and families during 2008 and 2009. The corporation timely filed an application under IC 6-1.1-11 for a property tax exemption for the land and improvements and received an exemption from property taxes for the 2007, 2010, and 2011 assessment dates for the land and improvements.
- (2) The corporation did not timely file an application under IC 6-1.1-11 for a property tax exemption for the land and improvements described in subdivision (1) for the 2008 and 2009 assessment dates, and as a result the corporation's land and improvements referred to in subdivision (1) were assessed and subject to property taxation for the 2008 and 2009 assessment dates.
- (3) For the 2008 and 2009 assessment dates, the land and improvements described in subdivision (1) would have been eligible for a property tax exemption if the corporation had filed an exemption application under IC 6-1.1-11.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

- (1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and
- (2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

- (1) is, subject to this SECTION, allowed; and
- (2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

- (1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);
- (2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;
- (3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and
- (4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the corporation for all taxes paid for the 2008 and 2009 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

2012-146-9

(Expired 1-1-2013, by P.L.146-2012, SEC.9.)

2012-146-10

(Expired 1-1-2013, by P.L.146-2012, SEC.10.)

2012-146-11

SECTION 11. (a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2009 through 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) and that owns real or personal property, or both, located at one (1) of the following parcels or street addresses in Marion County:

- (1) Parcel 1025784 at 3145 North Meridian Street.
- (2) Parcels 1054687, 1011724, 1024353, 1060216, and 1092651 at 1544 Columbia Avenue.
- (3) Parcel 1009407 at 2455 Dr. Martin Luther King Jr. Street.
- (4) 8604 Allisonville Road.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2009 through 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in three (3) equal installments over a three (3) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2016.

2012-146-12

SECTION 12. (a) This SECTION applies to a taxpayer, notwithstanding IC 6-1.1-3, IC 6-1.1-11, IC 6-1.1-17, IC 6-1.1-37, 50 IAC 4.2, 50 IAC 16, or any other statute or administrative rule.

(b) This section applies to assessment dates (as defined in IC 6-1.1-1-2) occurring in 2010 and 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation, trust, or other entity that is exempt from Indiana adjusted gross income taxes under IC 6-3-2-2.8(1) and that owns real

or personal property, or both, located at 2201 East 54th Street (Parcel 8047974) in Marion County.

(d) Notwithstanding any other law, a taxpayer, after March 31, 2012, but before October 1, 2012, may file or refile in person or in any other manner consistent with IC 6-1.1-36-1.5:

(1) a Form 136 property tax exemption application, along with any supporting documents, schedules, or attachments, claiming an exemption from real property taxes or personal property taxes, or both under IC 6-1.1-10, for any assessment date described in subsection (b); and

(2) a personal property tax return, along with any supporting documents, schedules, or attachments, relating to any personal property under IC 6-1.1-10, for any assessment date for which an exemption is claimed on a Form 136 property tax exemption application that is filed under this subsection.

(e) Any property tax exemption application or personal property tax return filed or refiled under subsection (d):

(1) is, subject to this SECTION, allowed; and

(2) is considered to have been timely filed.

(f) If the taxpayer demonstrates in the application or by other means that the property that is subject to the exemption would have qualified for an exemption under IC 6-1.1-10, if the application had been filed under IC 6-1.1-11 in a timely manner:

(1) the taxpayer is entitled to the exemptions from real property taxes or personal property taxes, or both, as claimed on the property tax exemption applications filed or refiled by the taxpayer under subsection (d);

(2) the taxpayer is not required to pay any property taxes, penalties, or interest with respect to the exempt property;

(3) any liens imposed on the property for property taxes, penalties, or interest that would otherwise be due for the affected assessment dates are released; and

(4) notwithstanding the filing deadlines for a claim in IC 6-1.1-26, the taxpayer is eligible for a refund of any property taxes, penalties, or interest paid for the affected assessment dates, if the taxpayer files a claim under IC 6-1.1-26.

(g) If the exemption is granted under this SECTION, the county shall issue a refund to the taxpayer for all taxes paid for the 2010 and 2011 assessment dates with respect to the exempt property. The county may pay the refund to the taxpayer in two (2) equal installments over a two (2) year period from the date the county determines that the property qualifies for the exemption.

(h) This SECTION expires January 1, 2015.

2012-153-6

(Expired 1-1-2013, by P.L.153-2012, SEC.6.)

2012-156-1

(Expired 12-31-2012, by P.L.156-2012, SEC.1.)

2012-159-13

(Expired 12-31-2012, by P.L.159-2012, SEC.13.)

2012-160-66

SECTION 66. (a) The definitions in P.L.229-2011, SECTION 1 apply throughout this SECTION.

(b) The following definitions apply throughout this SECTION:

- (1) "2012-2013 school year" means the school year (as defined in IC 20-18-2-17) beginning July 1, 2012, and ending June 30, 2013.
- (2) "Charter school" has the meaning set forth in IC 20-24-1-4.
- (3) "Current ADM" has the meaning set forth in IC 20-43-1-10.
- (4) "Eligible pupil" has the meaning set forth in IC 20-43-1-11.
- (5) "School corporation" has the meaning set forth in IC 20-18-2-16.

(c) Augmentation is allowed for the appropriation in P.L.229-2011, SECTION 9 to the department of education for full-day kindergarten, beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, each school corporation and charter school that applies to the department of education for a grant for full-day kindergarten is entitled to receive a distribution in the 2012-2013 school year from the amount appropriated in P.L.229-2011, SECTION 9 for full-day kindergarten for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, as augmented under this SECTION. The total amount to be distributed to a school corporation or charter school for the 2012-2013 school year equals the result of:

- (1) two thousand four hundred dollars (\$2,400); multiplied by
- (2) the number of eligible pupils who are:
 - (A) counted in the current ADM of the school corporation in the initial count of ADM in the 2012-2013 school year; and
 - (B) enrolled in and attending full-day kindergarten on the count date on which the current ADM is determined.

(e) A school corporation or charter school that applies for a grant for full-day kindergarten may not charge a fee for enrolling in or attending full-day kindergarten in the school year beginning July 1, 2012, and ending June 30, 2013.

(f) This SECTION expires July 1, 2013.

2012-160-67

(Expired 6-30-2013, by P.L.160-2012, SEC.67.)

2012-160-68

(Expired 12-31-2012, by P.L.160-2012, SEC.68.)